

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ, )  
Plaintiff, )  
v. ) Civ. No. 05-495-JJF  
LAWNS UNLIMITED LTD. and ) Judge Joseph J. Farnan Jr.  
EDWARD FLEMING, )  
Defendants. )

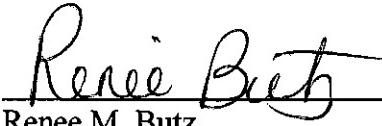
**PLAINTIFF'S MOTION FOR PROTECTIVE ORDER  
ON MEDICAL RECORDS**

Plaintiff hereby moves this Court for a Protective Order prohibiting Defendants from requesting medical records outside the scope of Plaintiff's claims. In support of this motion, Plaintiff sets forth the following:

1. Plaintiff's claims giving rise to this action surround unlawful termination of employment under the Pregnancy Discrimination Act.
2. Plaintiff's claims seek, in part, damages related to the pregnancy for the time frame December 2003 through March 2004.
3. Defendants seek to subpoena any and all medical records of Plaintiff with no designated time frame. See attached.
4. The scope of Defendants subpoenas to Plaintiff's medical providers is overly broad given Plaintiff's cause of action.

WHEREFORE, Plaintiff prays this Court to enter an Order granting Plaintiff's Motion for a Protective Order on Medical Records limiting the scope of Defendants'

subpoenas requesting production of Plaintiff's medical records outside the scope of this action.

  
\_\_\_\_\_  
Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410) 441-4300  
Plaintiff *pro se*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ, )  
Plaintiff, )  
v. )  
LAWNS UNLIMITED LTD. and )  
EDWARD FLEMING, )  
Defendants. )

Civ. No. 05-495-JJF  
Judge Joseph J. Farnan Jr.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Motion For Protective Order On Medical Records were sent by first-class United States mail, postage duly paid, on this 13 day of April, 2007, to counsel of record as follows:

Margaret M. DiBianca  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17<sup>th</sup> Floor  
1000 West Street  
Wilmington, DE 19801

Renee Butz  
Rehee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410) 441-4300  
Plaintiff pro se

Dated: 4/13/07

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF**

Lawns Unlimited, Ltd. and Edward Fleming

**LabCorp**TO: **69 FIRST AVENUE  
RARITAN, NJ 08869**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB [REDACTED], SSN [REDACTED]**

PLACE

DATE AND TIME

Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031

No Later than 04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

SERVED	DATE	PLACE
LABCORP	4/5/07	69 FIRST AVE RONITAN NJ 08869
SERVED ON (PRINT NAME)		MANNER OF SERVICE
ALFREDA MCGOWAN		By Hand at 7:45pm
SERVED BY (PRINT NAME)		TITLE
MIKE Powers		Process Server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/5/07

ATE

Mike Powers  
SIGNATURE OF SERVER

230 N MARKET ST  
ADDRESS OF SERVER

WILM DE 1981

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

V.

**SUBPOENA IN A CIVIL CASE**

CASE NUMBER: 05-495-JJF

Lawns Unlimited, Ltd., and Edward Fleming

**McDermott Chiropractic Centre**TO: 121A N. Union St.  
Havre de Grace, MD, 21078

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

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PLACE

DATE AND TIME

Young, Conaway, Stargatt &amp; Taylor, LLP, 1000 West Street, 17th Floor, P.O. Box 391, Wilmington, DE 19899-1031

No Later Than  
04/18/07

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PREMISES

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

**PROOF OF SERVICE**

SERVED	DATE	4/5/07	PLACE	121 A N UNION ST HARVE DE GRASSE, MD 21076
SERVED ON (PRINT NAME)			MANNER OF SERVICE	
<u>SHERRIE CARE</u>			<u>By Hand at 2:25pm</u>	
SERVED BY (PRINT NAME)			TITLE	
<u>MATT HETZER</u>			<u>Process Server</u>	

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/5/07

ATE

Matt Hetzer  
SIGNATURE OF SERVER

230 N market St  
ADDRESS OF SERVER

Wilmer De 19801

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where

that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

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Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: [mdibianca@ycst.com](mailto:mdibianca@ycst.com)  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE**

V.

CASE NUMBER: 05-495-JJF

Lawns Unlimited, Ltd. and Edward Fleming

**Christiana Care VNA**

TO: Attn: Records Manager  
One Read's Way, Suite 100  
New Castle, DE 19720

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PLACE OF TESTIMONY

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PLACE

DATE AND TIME

Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031

No Later Than  
04/18/07

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

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(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

SERVED CHRISTIANA CARE VNA DATE 4/4/07 PLACE ONE READS WAY  
NEW CASTLE, DE 19720

SERVED ON (PRINT NAME) BETTY ANNE SMITH MANNER OF SERVICE By Hand at 10:21 AM

SERVED BY (PRINT NAME) MATT HETZER TITLE Process Server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07

ATE

Walter Hettler  
SIGNATURE OF SERVER

230 N MARKET ST  
ADDRESS OF SERVER

Wilmington DE 19801

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

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Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****William B. Funk, MD**TO: **665 Churchman's Road  
Newark, DE 19702**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

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PLACE

DATE AND TIME

Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031No Later Than  
04/18/07

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

*M. DiBianca*

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

**PROOF OF SERVICE**

SERVED William B Funic MD DATE 4/4/07 PLACE 665 CHURCHMAN'S RD  
NEWARK, DE 19702

SERVED ON (PRINT NAME)

LIZ WEINER

MANNER OF SERVICE

By HAND AT 3:18PM

SERVED BY (PRINT NAME)

EUGENE MATTHEWS

TITLE

Process Server**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07

ATE

Eugene Matthews

SIGNATURE OF SERVER

230 N MARKET ST

ADDRESS OF SERVER

Wilm DE 19801**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

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(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: [mdibianca@ycst.com](mailto:mdibianca@ycst.com)  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****Union Hospital**

**TO:** Attn: Records Manager  
106 Bow Street  
Elkton, Maryland 21921

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

**PLACE OF TESTIMONY****COURTROOM****DATE AND TIME**

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

**PLACE OF DEPOSITION****DATE AND TIME**

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED], SSN: [REDACTED])

**PLACE****DATE AND TIME**

Young, Conaway, Stargatt &amp; Taylor, LLP, P.O. Box 391, Wilmington, DE 19899-1031

No Later than  
04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

**PREMISES****DATE AND TIME**

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

**ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)**

**DATE**

Attorney for Defendants

04/04/07

**ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER**

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

SERVED	DATE	4/4/07	PLACE	106 BOW ST ELKTON, MD 21921
SERVED ON (PRINT NAME)	MANNER OF SERVICE			
UNION HOSPITAL	By Hand to DENISE Spmon at 400			
SERVED BY (PRINT NAME)	TITLE			
MARSHAL MARLOVE	process server			

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07

Marcel Malave

SIGNATURE OF SERVER

230 N MARKET ST

ADDRESS OF SERVER

Wilm DE 19801

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where

that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause

(c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

## (B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****Fred Wright, DDS**TO: **4543 Stoney Batter Rd.  
Wilmington, DE 19808**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED]; SSN: [REDACTED]**

PLACE

DATE AND TIME

Young, Conaway, Stargatt &amp; Taylor, LLP, 1000 West Street, 17th Floor, P.O. Box 391, Wilmington, DE 19899-1031

No Later than  
04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

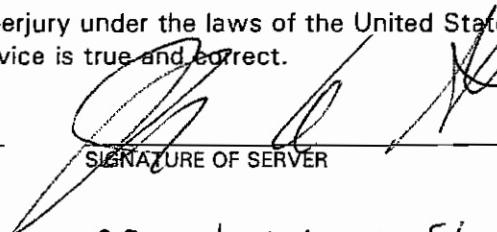
Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

PROOF OF SERVICE			
SERVED	DATE	PLACE	MANNER OF SERVICE
FRED WRIGHT - DDS	4/5/07	4543 STONEY BATTER RD WILM DE 19808	By HAND at 9:35 AM
SERVED ON (PRINT NAME)	TITLE		
JENNIFER PERSONT	Process Server		
SERVED BY (PRINT NAME)			
JOHN A GARBER			

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/5/07  
ATE

  
SIGNATURE OF SERVER

230 N MARKET ST  
ADDRESS OF SERVER

WILM DE 19801

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where

that person resides, is employed or regularly transacts business

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

## (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****Christiana Care Health Services**

**TO:** Attn: Records Manager  
PO Box 1668  
Wilmington, DE 19899-1668

**YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.**

**PLACE OF TESTIMONY****COURTROOM****DATE AND TIME**

**YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.**

**PLACE OF DEPOSITION****DATE AND TIME**

**YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED] SSN: [REDACTED]**

**PLACE****DATE AND TIME**Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391,  
Wilmington, DE 19899-1031No Later than  
04/18/07

**YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.**

**PREMISES****DATE AND TIME**

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

**ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)****DATE**

Attorney for Defendants

04/04/07

**ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER**Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391,  
Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

**PROOF OF SERVICE**

SERVED	DATE	4/4/07	PLACE	501 W 14TH ST WILM DE 19801
SERVED ON (PRINT NAME)		MANNER OF SERVICE		
EWETTE THOMAS		By Hand At 3:20pm		
SERVED BY (PRINT NAME)		TITLE		
William Thomas		Process Server		
<b>DECLARATION OF SERVER</b>				

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07  
ATE

William Thomas  
SIGNATURE OF SERVER

230 N MARKET ST  
ADDRESS OF SERVER

WILM DE 19801

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****LabCorp**TO: **69 FIRST AVENUE  
RARITAN, NJ 08869**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB [REDACTED] SSN [REDACTED]

PLACE

DATE AND TIME

Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031

No Later than 04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBlanca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

PROOF OF SERVICE			
SERVED	DATE	PLACE	MANNER OF SERVICE
<u>LABCORP</u>	<u>4/5/07</u>	<u>69 FIRST AVE RONITAN NJ 08769</u>	<u>By Hand at 7:45pm</u>
SERVED ON (PRINT NAME)		TITLE	
<u>ALFREDA MCGOWAN</u>		<u>Process Server</u>	
SERVED BY (PRINT NAME)			
<u>MILE Powers</u>			
DECLARATION OF SERVER			

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/5/07  
ATE

Mile Powers  
SIGNATURE OF SERVER

230 N MARKET ST  
ADDRESS OF SERVER

WILM DE 1981

#### Rule 45, Federal Rules of Civil Procedure, Parts C & D:

##### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd., and Edward Fleming****McDermott Chiropractic Centre**

TO: **121A N. Union St.  
Havre de Grace, MD, 21078**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED]; SSN: [REDACTED]

PLACE	DATE AND TIME
Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17th Floor, P.O. Box 391, Wilmington, DE 19899-1031	No Later Than 04/18/07

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
	04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

SERVED	DATE	4/5/07	PLACE	121 A N UNION ST HAVRE DE GRACE, MD 21076
SERVED ON (PRINT NAME)			MANNER OF SERVICE	
<u>SHERRIE Carr</u>			<u>By Hand at 2:25 pm</u>	
SERVED BY (PRINT NAME)			TITLE	
<u>MATT HETZER</u>			<u>Process Server</u>	

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/5/07

ATE

Matt Hetzer  
SIGNATURE OF SERVER

230 N market St

ADDRESS OF SERVER

WILM DE 19801

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where

that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****Christiana Care VNA**

**TO:**  
**Attn: Records Manager**  
**One Read's Way, Suite 100**  
**New Castle, DE 19720**

**YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.**

**PLACE OF TESTIMONY****COURTROOM****DATE AND TIME**

**YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.**

**PLACE OF DEPOSITION****DATE AND TIME**

**YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED] SSN: [REDACTED]**

**PLACE****DATE AND TIME**

**Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391,  
Wilmington, DE 19899-1031**

**No Later Than  
04/18/07**

**YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.**

**PREMISES****DATE AND TIME**

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

**ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)****DATE**

Attorney for Defendants

04/04/07

**ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER**

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

PROOF OF SERVICE			
SERVED	DATE	PLACE	MANNER OF SERVICE
<i>CHRISTIANA CARE VNA</i>	<i>4/4/07</i>	<i>ONE READS WAY NEW CASTLE, DE 19720</i>	<i>By Hand at 10:21 AM</i>
SERVED ON (PRINT NAME)	<i>BETTY ANNE SMITH</i>		
SERVED BY (PRINT NAME)	<i>MATT HETZER</i>		
DECLARATION OF SERVER			

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07

ATE

*Walter H. Hettler*

SIGNATURE OF SERVER

230 N MARKET ST

ADDRESS OF SERVER

Wilmington DE 19801

#### Rule 45, Federal Rules of Civil Procedure, Parts C & D:

##### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF**

Lawns Unlimited, Ltd. and Edward Fleming

TO: **Union Hospital**  
**Attn: Records Manager**  
**106 Bow Street**  
**Elkton, Maryland 21921**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED], SSN: [REDACTED]

PLACE	DATE AND TIME
Young, Conaway, Stargatt & Taylor, LLP, P.O. Box 391, Wilmington, DE 19899-1031	No Later than 04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Defendants	04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

SERVED	DATE <u>4/4/07</u>	PLACE <u>106 BOW ST ELKTON, MD 21921</u>
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
<u>UNION HOSPITAL</u>	<u>By Hand to DENISE Stemon at 401</u>	
SERVED BY (PRINT NAME)	TITLE	
<u>MARSHAL MANOLVE</u>	<u>PROCESS SERVER</u>	

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07  
ATE

Marshall Manlove  
SIGNATURE OF SERVER

230 N MARKET ST  
ADDRESS OF SERVER

WILM DE 19801

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where

that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause

(c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****Fred Wright, DDS**TO: **4543 Stoney Batter Rd.  
Wilmington, DE 19808**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED] SSN: [REDACTED]**

PLACE

DATE AND TIME

Young, Conaway, Stargatt &amp; Taylor, LLP, 1000 West Street, 17th Floor, P.O. Box 391, Wilmington, DE 19899-1031

No Later than  
04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

SERVED DATE 4/5/07  
Fred Wright - DDSPLACE 4543 STONEY BATTER RD  
WILM DE 19808

SERVED ON (PRINT NAME)

JENNIFER PERSONT

MANNER OF SERVICE

By Hand at 9:35am

SERVED BY (PRINT NAME)

JOHN A GARBER

TITLE

Process Server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/5/07

ATE

SIGNATURE OF SERVER

230 N MARKET ST

ADDRESS OF SERVER

WILM DE 19801

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where

that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

## (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE**

V.

CASE NUMBER: 05-495-JJF

**Lawns Unlimited, Ltd. and Edward Fleming****Christiana Care Health Services**

TO: Attn: Records Manager  
PO Box 1668  
Wilmington, DE 19899-1668

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB [REDACTED] SSN [REDACTED]

PLACE	DATE AND TIME
Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17 <sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031	No Later than 04/18/07

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
	04/04/07

**ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER**

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

**PROOF OF SERVICE**

SERVED	DATE	4/4/07	PLACE	501 W 14TH ST
Christiana Care Health Serv			WILM DE 19801	
SERVED ON (PRINT NAME)		MANNER OF SERVICE		
EVETTE Thomas		By Hand at 3:20pm		
SERVED BY (PRINT NAME)		TITLE		
William Tters		Process Server		

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07

ATE

William Tters

SIGNATURE OF SERVER

230 N MARKET ST

ADDRESS OF SERVER

WILM DE 19801

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming**

**Bayside Health OBGYN**  
**Attn: Records Manager**  
**TO:**  
**63 Atlantic Avenue**  
**Ocean View, DE 19970**

**YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.**

**PLACE OF TESTIMONY****COURTROOM****DATE AND TIME**

**YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.**

**PLACE OF DEPOSITION****DATE AND TIME**

**YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB [REDACTED]; SS [REDACTED]**

**PLACE****DATE AND TIME**

**Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031**

**No Later Than  
04/18/07**

**YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.**

**PREMISES****DATE AND TIME**

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

**ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)****DATE**

Attorney for Defendants

04/04/07

**ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER**

**Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008**

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

DATE 4-05-07

PLACE 63 Atlantic Avenue  
Ocean View, DE 19970

SERVED

SERVED ON (PRINT NAME) Bayside Health OB/GYN Attn: Records  
manager, Service was accepted by Kathy Murphy  
at 10:39 A.M. MANNER OF SERVICE  
Subpoena

SERVED BY (PRINT NAME)

Lori Miller

TITLE

Process Server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4-5-07

SIGNATURE OF SERVER

Lori Miller

ATE

ADDRESS OF SERVER

15 East North Street

Dover DE 19901

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and ensures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****Beebe Medical Center**

**TO:**  
**Attn: Records Manager**  
**424 Savannah Rd.**  
**Lewes, DE 19958**

**YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.**

**PLACE OF TESTIMONY****COURTROOM****DATE AND TIME**

**YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.**

**PLACE OF DEPOSITION****DATE AND TIME**

**YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB: [REDACTED], SSN: [REDACTED]**

**PLACE****DATE AND TIME**

**Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031**

**No Later Than  
04/18/07**

**YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.**

**PREMISES****DATE AND TIME**

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

**ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)****DATE***M. DiBianca*

Attorney for Defendants

04/04/07

**ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER**

**Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008**

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

DATE 4-05-07

SERVED

PLACE 424 Savannah Road  
Lewes, DE 19958SERVED ON (PRINT NAME) Beebe Medical Center Attn: Records MANNER OF SERVICE  
Manager, Service was accepted by Carol Conway at 11:20 A.M. Subpoena

SERVED BY (PRINT NAME)

TITLE

Lori Miller

Process Server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4-5-07

ATE

SIGNATURE OF SERVER

*Lori Miller*

ADDRESS OF SERVER

15 East North Street

Dover DE 19901

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming**

**Bayside Health OBGYN**  
**Attn: Records Manager**  
**TO: 63 Atlantic Avenue**  
**Ocean View, DE 19970**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB [REDACTED], SSN [REDACTED]

PLACE

DATE AND TIME

Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031No Later Than  
04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

DATE 4-05-07

PLACE 63 Atlantic Avenue  
Ocean View, DE 19970

SERVED

SERVED ON (PRINT NAME) Bayside Health OB/GYN Attn: Records  
manager, Services was accepted by Kathy Murphy  
at 10:39 A.M.

MANNER OF SERVICE

Subpoena

SERVED BY (PRINT NAME)

Lori Miller

TITLE

Process Server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4-5-07

SIGNATURE OF SERVER

*Lori Miller*

15 East North Street

ADDRESS OF SERVER

Dover DE 19901

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or effected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: [mdibianca@ycst.com](mailto:mdibianca@ycst.com)  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE**

V.

CASE NUMBER: 05-495-JJF

Lawns Unlimited, Ltd. and Edward Fleming

TO: Beebe Medical Center  
Attn: Records Manager  
424 Savannah Rd.  
Lewes, DE 19958

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB [REDACTED], SSN [REDACTED]

PLACE

DATE AND TIME

Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031No Later Than  
04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

DATE 4-05-07

PLACE 424 Savannah Road  
Lewes, DE 19958

SERVED

SERVED ON (PRINT NAME) Beebe Medical Center Attn: Records MANNER OF SERVICE  
Manager, Service was accepted by Carol Conway Subpoena  
at 11:20 A.M.

SERVED BY (PRINT NAME)

TITLE

Lori Miller

Process Server

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4-5-07

SIGNATURE OF SERVER

ATE

15 East North Street  
ADDRESS OF SERVER

Dover DE 19901

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**CERTIFICATE OF SERVICE**

I, Margaret M. DiBianca, Esquire, hereby certify that on April 6, 2007, I electronically filed a true and correct copy of the foregoing Subpoena Return of Service with the Clerk of the Court using CM/ECF, and that I caused two (2) copies of said document to be served upon the following non-registered participant via postage prepaid, U.S. Mail and First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz  
58 Hickory Drive  
Northeast, Maryland 21901

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca, Esq.

---

Margaret M. DiBianca, Esquire (Bar I.D. 4539)  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: (302) 571-5008  
Facsimile: (302) 571-3476  
Email: mdibianca@ycst.com  
Attorney for Defendants

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

Renee M. Butz

**SUBPOENA IN A CIVIL CASE****V.**CASE NUMBER: **05-495-JJF****Lawns Unlimited, Ltd. and Edward Fleming****William B. Funk, MD**TO: **665 Churchman's Road  
Newark, DE 19702**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all records, notes, reports, consultations, summaries, diagnostic test reports, correspondence, memoranda, billing records, and any other documents pertaining to your patient Renee M. Butz, f/k/a Renee Turturici, f/k/a Renee Beauchemin DOB [REDACTED] SSN [REDACTED]

PLACE

DATE AND TIME

Young, Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17<sup>th</sup> Floor, P.O. Box 391, Wilmington, DE 19899-1031No Later Than  
04/18/07

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

*M. DiBianca*

Attorney for Defendants

04/04/07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Margaret M. DiBianca, Esquire, Young Conaway Stargatt & Taylor, LLP, The Brandywine Building, 17<sup>th</sup> Floor, PO Box 391, Wilmington, DE 19899-1031, (302) 571-5008

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on Reverse)

**PROOF OF SERVICE**

SERVED	DATE	PLACE
William B FUNK MD	4/4/07	665 CHURCHMAN'S RD NEWARK, DE 19702
SERVED ON (PRINT NAME)		MANNER OF SERVICE
LIZ WEINER		By Hand at 3:18PM
SERVED BY (PRINT NAME)		TITLE
EUGENE MATTHEWS		Process Server

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4/4/07

ATE

Eugene Matthews  
SIGNATURE OF SERVER

230 N MARKET ST  
ADDRESS OF SERVER

WILM DE 19801

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

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(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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Email: mdibianca@ycst.com  
Attorney for Defendants